COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

ARLENE R. MILLER
Deputy Commissioner

December 23, 2013

Montebello Zoning Board of Appeals
One Montebello Road
Suffern, NY 10901

Tax Data: 55.07-1-9

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 10/17/2013 **Date Review Received:** 11/25/2013

Item: ***EXECUTIVE ENTERPRISE G.P. (M-3S)***

Variances for front yard, side yard, rear yard and maximum height to allow the construction, maintenance and use of two, four-story, 48,000 SF office buildings on 5.59 acres in an LO zoning district. The site plan was approved in 2009, and renewed in 2011. Due to market conditions, construction was delayed. The only revision to the approved site plan is the addition of a diesel powered emergency generator for each of the two buildings.
South side of Executive Boulevard, north of NYS Thruway

Reason for Referral:

NYS Thruway, Federal Wetlands

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

Recommend the following modifications

1 A review must be completed by the New York State Thruway Authority and all required permits obtained.

Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Mayor Jeffrey Oppenheim, Montebello
New York State Thruway Authority
United States Army Corps of Engineers
Rockland County Department of Highways
Brooker Engineering, PLLC

EXECUTIVE ENTERPRISE G.P. (M-3S)

Executive Enterprises G.P.

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.